

PART 400—[RESERVED]

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SOURCE: 45 FR 74914, Nov. 13, 1980, unless otherwise noted.

Subpart A—General Provisions

§ 401.100 Purposes of the regulation.

The Social Security Administration (SSA) generally provides information which individuals request about themselves. This regulation describes how individuals may get access to their own records. This regulation also describes the rules SSA uses to decide whether to disclose information about individuals without their consent. These rules are set out in subparts A through E of this part. These rules comply with the Freedom of Information Act, the Privacy Act, section 1106 of the Social Security Act, and other applicable statutes. When required by the Privacy Act, SSA publishes notices of routine use for public information and comment. Procedures for requesting information are in §§ 422.426 and 422.428 of this chapter and 45 CFR parts 5 and 5b.

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§ 401.105 When the regulation applies.

(a) *Scope of rules.* This regulation sets out the general guidelines which we follow in deciding whether to make disclosures. However, we must examine the facts of each case separately to decide if we should disclose the information or keep it confidential.

(b) *Social security records.* This regulation applies to information about an individual contained in SSA's records. Other regulations apply to—

(1) Information which is not about an individual—45 CFR part 5 and subpart E of part 22 of this chapter; or

(2) Information about acts of SSA officials and employees or to SSA's personnel records—45 CFR parts 5 and 5b; or

(3) Information in the possession of a State or local agency administering a program of Aid to Families with Dependent Children—45 CFR 205.50.

(c) *Health insurance records.* This regulation also applies to health insurance records which SSA maintains for the Health Care Financing Administration's (HCFA) programs under title XVIII of the Social Security Act. SSA will disclose these records to HCFA. HCFA may redisclose these records